

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE SHARON JOHNSON COLEMAN

APPEARANCES:

For the Plaintiffs: QUINN EMANUEL URQUHART & SULLIVAN, LLP
865 South Figueroa Street
Suite 3000
Los Angeles, California 90017
BY: MR. WILL SEARS

QUINN EMANUEL URQUHART & SULLIVAN, LLP
1300 I Street, NW
Suite 900
Washington, DC 20005
BY: MR. TYLER WHITMER

For the Defendant: KOPECKY SCHUMACHER ROSENBURG, PC
120 North LaSalle Street
Suite 2000
Chicago, Illinois 60602
BY: MR. DARYL M. SCHUMACHER

TRACEY DANA McCULLOUGH, CSR, RPR
Official Court Reporter
219 South Dearborn Street
Room 1232
Chicago, Illinois 60604
(312) 435-5570

1 THE CLERK: 20 CV 4985, Zhu Zhai Holdings, Limited
2 versus Ivankovich.

3 THE CLERK: Good morning. This is Judge Coleman.
4 Please state your name and who you represent so that the court
5 reporter can take all the information down correctly. Let's
6 start with the plaintiff.

7 MR. SEARS: Good morning, Your Honor. This is Will
8 Sears, Quinn Emanuel, for the plaintiffs.

9 THE COURT: All right.

10 MR. WHITMER: Good morning, Your Honor. Good
11 morning, Your Honor. Tyler Whitmer with Quinn Emanuel, also
12 for the plaintiff. Thank you.

13 THE COURT: All right. Thank you. And is there
14 defense counsel on the phone?

15 MR. SCHUMACHER: Good morning, Your Honor. Daryl
16 Schumacher on behalf of defendant.

17 THE COURT: All right. Thank you. Are you by
18 yourself?

19 MR. SCHUMACHER: Yes, Your Honor.

20 THE COURT: All right. Thank you very much. And
21 with all these male voices, again, please just make sure every
22 time you talk either state who your client is or state your
23 name.

24 All right. So we're up for our initial status. I
25 have your status report in front of me. The Court believes I

1 need to have -- who's the magistrate judge, Yvette?

2 THE CLERK: The magistrate judge?

3 THE COURT: Yes. One second.

4 THE CLERK: That's Judge Cox.

5 THE COURT: All right. Judge Cox will have the case
6 for discovery monitoring and any type of settlement. I know
7 you haven't agreed to a discovery schedule, although I did
8 grant your motion for protective order. The -- since you filed
9 this, have you come to any type of agreement about the
10 discovery schedule? If not, I'll let you do that with Judge
11 Cox.

12 MR. SEARS: Thank you, Your Honor. This is Will
13 Sears, Quinn Emanuel, for the plaintiffs. No agreement on the
14 schedule. I think the parties' positions are as stated in the
15 status report.

16 THE COURT: All right. Hold on one second. You
17 right now have a close of fact discovery of May 28th of this
18 year. And the Court -- I'm just going to give you that date
19 because you need a close date, and I'm not setting any other
20 dates after that. So you can work around with Judge Cox after
21 you see -- you talk to her about that. You can include that
22 date or adjust it and tell her the reasons why. And all
23 discovery matters and disputes will go to her. Is there
24 anything else you need to deal with right now?

25 MR. SEARS: Yes, Your Honor. This is Will Sears,

1 Quinn Emanuel, for the plaintiffs. One question or
2 clarification. Understanding that discovery disputes will go
3 to Judge Cox, at the end of our status report there is one
4 issue that we flagged for the Court. It's not strictly a
5 discovery issue. As the Court, I think is aware, this is a
6 breach of guarantee case.

7 THE COURT: Yes.

8 MR. SEARS: The loan documents that the defendant
9 signed in this case entitle our clients to certain information
10 about his financial condition to establish the collateral and
11 the performance of the loans. We've been requesting that
12 information from the defendant for some time. In fact, before
13 this case was even filed. We reiterated our request since
14 defendant retained counsel at the end of November. The
15 defendant has agreed to provide some of this information. We
16 got some of it last night.

17 I don't know if there's a substantive dispute about
18 our rights under the loan documents. As I understand it, and
19 Mr. Schumacher can correct me if I'm wrong, they're not really
20 disputing that they need to provide this information. There is
21 a timing issue, Your Honor. It's taken weeks and weeks and
22 multiple requests just to --

23 THE COURT: All right. Counsel, I'm going to stop
24 you right there. I'm going to stop you right there. This is
25 just why we have magistrate judges, and that's why I'm

1 referring you to the magistrate judge. You are sort of
2 skirting whether it's discovery, but you requested information,
3 and they had started to give it to you. You're not sure
4 whether you've got everything you need. You need to have it in
5 a certain amount of time. Judge Cox will take care of all of
6 that. All right. That's where you'll go.

7 MR. SEARS: Understood, Your Honor. Thank you.

8 THE COURT: All right. Thank you. And she will have
9 this matter. She will know about it before the close of
10 business today, and she will take whatever steps to get you in
11 front of her to discuss anything further. All right?

12 MR. SEARS: Thank you, Your Honor.

13 MR. SCHUMACHER: Thank you, Your Honor.

14 MR. WHITMER: Thank you, Your Honor.

15 THE COURT: All right. Is there anything else from
16 defense?

17 MR. SCHUMACHER: No, Your Honor.

18 THE COURT: All right. Thank you. We're going to
19 set a status here, and we will have -- and just so you all know
20 up front, there's not going to be any dispositive motion
21 deadlines set by Judge Cox, not yet, because the Court -- since
22 I'm going to be the one undertaking that, I'll wait until we
23 get closer to that time and after discovery issues are all but
24 completed, and also give you ample opportunity to try to settle
25 this matter before we start talking about dispositive motions,

1 so -- and she will also have the matter referred for that. So
2 let's look at June, Yvette.

3 THE CLERK: June 7th at 9:30 a.m.

4 THE COURT: How is that for the plaintiffs?

5 MR. SEARS: That works for us, Your Honor. Thank
6 you.

7 THE COURT: Defense?

8 MR. SCHUMACHER: That works for us, Your Honor.

9 THE COURT: All right. To my knowledge even at that
10 point since it will just be a status, we will probably still be
11 by phone. But anytime after that hopefully, we'll keep fingers
12 crossed, that we'll be seeing each other in person. All right.
13 Everybody be safe and be healthy. Thank you.

14 MR. SEARS: Thank you, Your Honor.

15 MR. SCHUMACHER: Thank you.

16 MR. WHITMER: Thank you.

17 CERTIFICATE

18 I HEREBY CERTIFY that the foregoing is a true,
19 correct and complete transcript of the proceedings had at the
20 hearing of the aforementioned cause on the day and date hereof.

21

22 /s/TRACEY D. McCULLOUGH

February 9, 2021

23 Official Court Reporter
24 United States District Court
25 Northern District of Illinois
Eastern Division

Date